

## AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A method for backing up data in a computer system from at least one primary data source to a secondary data source, the method comprising:

performing a full image backup in disk order on a plurality of data blocks stored by the at least one primary data source;

initiating an incremental backup at a predetermined interval, the incremental backup including file system metadata; and

comparing ~~the~~ a modification time of each file/folder at the predetermined interval to a defined time, wherein if the modification time is earlier than the defined time, then excluding data blocks of that file/folder from the incremental backup.

2. (Original) The method of Claim 1, wherein the defined time is a time when the full image backup was performed.

3. (Original) The method of Claim 1, wherein the defined time is a time when a last incremental backup was performed.

4. (Original) The method of Claim 1, wherein the defined time is one of a first time when the full image backup was performed and a second time when a last incremental backup was performed, whichever is the more recent.

5. (Original) The method of Claim 1, further including determining whether a system clock has been changed.

6. (Original) The method of Claim 5, wherein if the system clock has been changed, then returning to performing the full image backup on the plurality of data blocks.

7. (Original) The method of Claim 6, wherein if the system clock has not been changed, then initiating the incremental backup at the predetermined interval.

8. (Original) The method of Claim 6, wherein if the system clock has not been changed, then comparing the modification time of each file/folder at the predetermined interval to the defined time.

9. (Currently Amended) The method of Claim 1, wherein the ~~incremental backup includes~~ file system metadata, ~~thereby allowing~~ allows the tracking of new, changed, renamed, and linked files/folders.

10. (Original) The method of Claim 1, wherein the full backup and the incremental backup are used to provide a point-in-time disaster recovery.

11. (Original) The method of Claim 1, wherein the full image backup and the incremental backup are used to keep a standby machine up-to-date as of a last backup.

12. (Original) The method of Claim 1, wherein the full image backup and the incremental backup are written directly over a network to a standby machine and recovered, thereby keeping the standby machine up-to-date as of a last backup.

13. (Currently Amended) A method for backing up data in a computer system from at least one primary data source to a secondary data source, the method comprising:

performing a full image backup in disk order on a plurality of data blocks stored by the at least one primary data source;

initiating an incremental backup at a predetermined interval, the incremental backup including file system metadata;  
and

comparing ~~the~~ a modification time of each file/folder at the predetermined interval to a defined time, wherein if the modification time is later than the defined time, then including data blocks of that file/folder in the incremental backup.

14. (Original) The method of Claim 13, wherein the defined time is a time when the full image backup was performed.

15. (Original) The method of Claim 13, wherein the defined time is a time when a last incremental backup was performed.

16. (Original) The method of Claim 13, wherein the defined time is one of a first time when the full image backup was performed and a second time when a last incremental backup was performed, whichever is the more recent.

17. (Original) The method of Claim 13, further including determining whether a system clock has been changed.

18. (Original) The method of Claim 17, wherein if the system clock has been changed, then returning to performing the full image backup on the plurality of data blocks.

19. (Original) The method of Claim 18, wherein if the system clock has not been changed, then initiating the incremental backup at the predetermined interval.

20. (Original) The method of Claim 18, wherein if the system clock has not been changed, then comparing the modification time of each file/folder at the predetermined interval to the defined time.

21. (Currently Amended) The method of Claim 13, wherein the ~~incremental backup includes~~ file system metadata, ~~thereby allowing~~ allows the tracking of new, changed, renamed, and linked files/folders.

22. (Original) The method of Claim 13, wherein the full backup and the incremental backup are used to provide a point-in-time disaster recovery.

23. (Original) The method of Claim 13, wherein the full image backup and the incremental backup are used to keep a standby machine up-to-date as of a last backup.

24. (Original) The method of Claim 13, wherein the full image backup and the incremental backup are written directly over a network to a standby machine and recovered, thereby keeping the standby machine up-to-date as of a last backup.